

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1292

Introduced by Assembly Member Evans

February 22, 2005

An act to amend Section 52853 of, and to add Sections 17070.756, 17584.4, 17591.5, and 52854 to, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1292, as amended, Evans. School facilities: air quality.

Existing law requires schoolsite councils, at schools participating in school-based program coordination, to develop a school plan including specified components.

This bill would require schoolsite councils to include in their school plans guidelines for the improvement of indoor air quality. This bill would require that the guidelines describe the actions that district staff, teachers, and schoolsite staff plan to take to ~~assure~~ *ensure* good indoor air quality. This bill would require that, once approved by the school district's governing board, the guidelines be distributed to all teachers at the schoolsite and to members of the public upon request.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), requires the State Allocation Board to ~~allocate~~ *apportion* to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law requires the board to require school districts that receive funding under the Greene Act of 1998 to establish a restricted account within the school district's general fund and to deposit an amount equal to 3% of the school

district's general fund, including other financing uses, into the account for maintenance of school facilities.

~~This bill would require allow school districts, as a condition to using funds in the restricted accounts, to ensure that school facilities have heating, ventilation and air-conditioning systems that meet the minimum requirements of regulations enacted by the Division of Industrial Safety that govern the quality of air provided to employees in places of employment. This bill would require school districts to use contractors who have been certified by a nationally recognized organization for the implementation and maintenance of heating, ventilation and air-conditioning systems to use the funds in the account for repairs or renovations to prevent poor indoor air quality conditions in school facilities.~~

Existing law authorizes the governing board of a school district to establish a restricted deferred maintenance fund, provides for the deposit of prescribed local funds, and provides for the deposit of matching state funds. Existing law requires the State Allocation Board to apportion to school districts the state matching funds for deferred maintenance, and establishes the maximum required local deferred maintenance budget.

~~This bill would require allow school districts, as a condition to using funds in the restricted deferred maintenance funds, to use the matching funds apportioned by the State Allocation Board for repairs or renovations to prevent poor indoor air quality conditions in school facilities. This bill would impose a state-mandated local program by requiring school districts to ensure that school facilities have heating, ventilation, and air-conditioning systems that meet the minimum requirements of regulations enacted by the Division of Industrial Safety that govern the quality of air provided to employees in places of employment. This bill would require school districts to use contractors who have been certified by a nationally recognized organization for the implementation and maintenance of heating, ventilation and air-conditioning systems.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) In November of 2003, the California Air Resources Board*
4 *and the State Department of Health Services issued a report to*
5 *the Legislature detailing the adverse impact that poor indoor air*
6 *quality is having on California schools. The report found*
7 *significant indoor air quality problems, including problems with*
8 *ventilation, temperature and humidity, air pollutants, floor dust*
9 *contaminants, moisture, mold, noise, and lighting. Specifically,*
10 *the report found all of the following:*

11 *(1) Ventilation with outdoor air was inadequate during 40*
12 *percent of classroom hours and seriously deficient during 10*
13 *percent of classroom hours in both portable classrooms and*
14 *traditional classrooms.*

15 *(2) 21 percent of portables and 35 percent of traditional*
16 *classrooms had visible water stains on the ceiling and three*
17 *percent of portables had visible mold on the ceiling. Many*
18 *classrooms do not meet workplace regulations for ventilation*
19 *and moisture intrusion developed by the Occupational Safety and*
20 *Health Standards Board.*

21 *(3) Formaldehyde levels in four percent of classrooms, which*
22 *contain a minimum of 214,000 pupils, exceeded the guideline*
23 *level established by the Office of Environmental Health Hazard*
24 *Assessment to prevent short-term adverse health effects in*
25 *sensitive individuals. Formaldehyde levels in virtually all*
26 *classrooms exceeded the guideline level for preventing chronic*
27 *effects.*

28 *(4) All classrooms, both portable and traditional, exceeded the*
29 *recently developed acoustic standard of the American National*
30 *Standards Institute and the World Health Organization guideline*
31 *of 35 decibels for unoccupied classrooms, and 50 percent of*
32 *portables and 38 percent of traditional classrooms exceeded 55*

1 *decibels, which is commonly used for outdoor nuisance noise*
2 *regulations in California communities.*

3 *(b) Heating, ventilation, and air-conditioning (HVAC) systems*
4 *are a primary source of excess noise in classrooms. Problems*
5 *with noisy ventilation systems in classrooms have led to the*
6 *underutilization of ventilation systems, which causes increased*
7 *indoor air quality problems.*

8 *(c) Asthma in pupils and teachers can be exacerbated by poor*
9 *indoor air quality in schools. Known asthma triggers include*
10 *airborne particulate matter, chemical contaminants, and*
11 *allergens, including dust mites and mold.*

12 *(d) In February 2005, the California Air Resources Board*
13 *approved an indoor air quality report which cites proven health*
14 *and economic benefits to reducing indoor air pollution, which is*
15 *estimated to cost California \$45 billion per year. The report*
16 *noted that children are particularly vulnerable to poor indoor air*
17 *quality. According to the report, children under the age of 12*
18 *spend about 86 percent of their time indoors with 21 percent of*
19 *the time being spent in schools.*

20 *(e) Because a child's immune system is not fully developed, a*
21 *child's body is more susceptible to chemicals that may affect*
22 *lung development and function. Because children and infants*
23 *inhale more air and tend to be more active than adults in the*
24 *same environment those factors put children at greater risk.*

25 *(f) There are many sources of indoor air pollution, including*
26 *biological contaminants, building materials and furnishings,*
27 *secondhand smoke, consumer products, pesticides, combustion*
28 *appliances, household and office equipment, air cleaners that*
29 *emit ozone, architectural coatings, chlorinated water, and soil*
30 *containing radon gas.*

31 *(g) There are many simple things that can be done, most at*
32 *little or no cost, that can quickly improve indoor air quality.*
33 *These include better ventilation, operation, and cleaning*
34 *practices, proper building maintenance, and professional*
35 *training and education.*

36 *(h) It is the policy of this state that school facilities be*
37 *designed and operated using reasonably available measures to*
38 *provide a healthy indoor environment for pupils including, but*
39 *not limited to, healthy indoor air quality, and adequate*
40 *ventilation with outdoor air.*

1 ~~SECTION 1.~~

2 *SEC. 2.* Section 52853 of the Education Code is amended to
3 read:

4 52853. (a) The schoolsite council shall develop a school plan
5 which shall include all of the following:

6 (1) Curricula, instructional strategies and materials responsive
7 to the individual needs and learning styles of each pupil.

8 (2) Instructional and auxiliary services to meet the special
9 needs of non-English-speaking or limited-English-speaking
10 pupils, including instruction in a language these pupils
11 understand; educationally disadvantaged pupils; gifted and
12 talented pupils; and pupils with exceptional needs.

13 (3) A staff development program for teachers, other school
14 personnel, paraprofessionals, and volunteers, including those
15 participating in special programs. Staff development programs
16 may include the use of program guidelines that have been
17 developed by the ~~superintendent~~ *Superintendent* for specific
18 learning disabilities, including dyslexia, and other related
19 disorders. The strategies included in the guidelines and
20 instructional materials that focus on successful approaches for
21 working with pupils who have been prenatally substance
22 exposed, as well as other at-risk pupils, may also be provided to
23 teachers.

24 (4) Ongoing evaluation of the educational program of the
25 school.

26 (5) Other activities and objectives as established by the
27 council.

28 (6) The proposed expenditures of funds available to the school
29 through the programs described in Section 52851. For purposes
30 of this subdivision, proposed expenditures of funds available to
31 the school through the programs described in Section 52851 shall
32 include, but not be limited to, salaries and staff benefits for
33 persons providing services for those programs.

34 (7) The proposed expenditure of funds available to the school
35 through the federal Improving America's Schools Act of 1994
36 (IASA) (20 U.S.C. Sec. 6301 et seq.) and its amendments. If the
37 school operates a state-approved schoolwide program pursuant to
38 Section 6314 of Title 20 of the United States Code in a manner
39 consistent with the expenditure of funds available to the school

1 pursuant to Section 52851, employees of the schoolwide program
2 may be deemed funded by a single cost objective.

3 (8) Guidelines, adopted by January 1, 2007, and each year
4 thereafter, that describe the actions that district staff, teachers,
5 and schoolsite staff plan to take to ensure good indoor air quality
6 that meets the minimum requirements of indoor air quality
7 regulations enacted pursuant to Section 142.3 of the Labor Code.

8 (b) The schoolsite council shall annually review the school
9 plan, establish a new budget, and if necessary, make other
10 modifications in the plan to reflect changing needs and priorities.

11 ~~SEC. 2.~~

12 *SEC. 3.* Section 17070.756 is added to the Education Code, to
13 read:

14 ~~17070.756. (a) To utilize funds in the restricted account~~
15 ~~established pursuant to Section 17070.75, a school district shall~~
16 ~~ensure that facilities, including, but not limited to, classrooms for~~
17 ~~pupils, have heating, ventilation and air-conditioning (HVAC)~~
18 ~~systems that meet the minimum requirements of indoor air~~
19 ~~quality regulations enacted pursuant to Section 142.3 of the~~
20 ~~Labor Code, in order to prevent pupils from being exposed to~~
21 ~~poor indoor air quality conditions.~~

22 ~~(b) In carrying out the requirements of subdivision (a), a~~
23 ~~school district shall utilize contractors that have been certified in~~
24 ~~providing for the inspection, maintenance, and repair of HVAC~~
25 ~~systems by a nationally recognized organization.~~

26 *17070.756. School districts may use funds in the account*
27 *established pursuant to paragraph (1) of subdivision (b) of*
28 *Section 17070.75 for repairs or renovations to prevent poor*
29 *indoor air quality conditions in school facilities.*

30 ~~SEC. 3.~~

31 *SEC. 4.* Section 17584.4 is added to the Education Code, to
32 read:

33 ~~17584.4. (a) To utilize funds appropriated pursuant to~~
34 ~~Section 17584, a school district shall ensure that facilities,~~
35 ~~including, but not limited to, classrooms for pupils, have heating,~~
36 ~~ventilation and air-conditioning (HVAC) systems that meet the~~
37 ~~minimum requirements of indoor air quality regulations enacted~~
38 ~~pursuant to Section 142.3 of the Labor Code, in order to prevent~~
39 ~~pupils from being exposed to poor indoor air quality conditions.~~

1 ~~(b) In carrying out the requirements of subdivision (a), a~~
2 ~~school district shall utilize contractors that have been certified in~~
3 ~~providing for the inspection, maintenance, and repair of HVAC~~
4 ~~systems by a nationally recognized organization.~~

5 *17584.4. School districts may use funds apportioned pursuant*
6 *to Section 17584 for repairs or renovations to prevent poor*
7 *indoor air quality conditions in school facilities.*

8 *SEC. 5. Section 17591.5 is added to the Education Code, to*
9 *read:*

10 *17591.5. (a) A school district shall ensure that facilities,*
11 *including, but not limited to, classrooms for pupils, have heating,*
12 *ventilation and air-conditioning (HVAC) systems that meet the*
13 *minimum requirements of indoor air quality regulations enacted*
14 *pursuant to Section 142.3 of the Labor Code, in order to prevent*
15 *pupils from being exposed to poor indoor air quality conditions.*

16 *(b) In carrying out the requirements of subdivision (a), a*
17 *school district shall utilize contractors that have been certified in*
18 *providing for the inspection, maintenance, and repair of HVAC*
19 *systems by a nationally recognized organization.*

20 ~~SEC. 4.~~

21 *SEC. 6. Section 52854 is added to the Education Code, to*
22 *read:*

23 *52854. Upon approval of the guidelines for indoor air quality*
24 *by the school district's governing board, the guidelines should be*
25 *distributed to all teachers at the schoolsite. The indoor air quality*
26 *guidelines shall be made available to any member of the public*
27 *upon their request.*

28 *SEC. 7. If the Commission on State Mandates determines that*
29 *this act contains costs mandated by the state, reimbursement to*
30 *local agencies and school districts for those costs shall be made*
31 *pursuant to Part 7 (commencing with Section 17500) of Division*
32 *4 of Title 2 of the Government Code.*